

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

MALINDA SUE LEWIS,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security.

XXXXXXXXXX

)

)

)

XXXXXXXXXX

XXXXXXXXXX

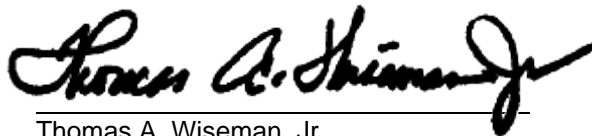
2:10-0124

ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Bryant in which he recommends Plaintiff's Motion for Judgment on the Administrative Record be denied and the decision of the Commissioner be affirmed. The Plaintiff has filed objections insisting that the Administrative Law Judge erred in failing to consider whether Plaintiff's foot problems met or exceeded the listing in 102A. The Magistrate Judge has answered this objection in that all of the factors of a medical listing must be met. One that was not met is that the Plaintiff is ambulatory with a cane. In order to meet 102A, the claimant must need to use both arms, that is a walker or two canes.

The recommendation of the Magistrate Judge is correct in that the findings of the Administrative Law Judge are supported by substantial evidence, and there was no error. Plaintiff's objections are overruled and the Report and Recommendation of the Magistrate Judge, Document #22, is **AFFIRMED**. Plaintiff's Motion for Judgment on the Administrative Record, Document #14, is **DENIED**, and this case is **DISMISSED**.

It is so **ORDERED**.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge